

1 A Yes.

2 Q And are there records of that?

3 A I think so but I don't know because I remember that
4 later on we even decided to make an in-house application to
5 record what we would call the "help desk application" that
6 keeps a track of all the server applications and what time it
7 was received, who called, what did it consist of, who was the
8 technician.

9 I remember I couldn't even track down how much time
10 does a technician take to sort something and how many cases
11 the technician attended during a period.

12 Q All right. Now, you had told me earlier that the
13 training of the teachers took place when? By the time that
14 you were leaving your job?

15 A No. It started on the same month I arrived and
16 that part that was conducted during that summer was planned
17 even before I was there. I just happened to be there when it
18 started.

19 Then, we checked the results and we found it was
20 great and so we kept it on and then we spread all around the
21 island and for the commencing of the semester which is the
22 first semester of school year 2001-2002 and the second
23 semester in that summer.

24 Q Let me go back again to the first system of
25 determining if the T-1s are working or not. That's the one

1 that you requested somebody to login actually, right?

2 A Um-jum.

3 Q What I wanted to ask you is how somebody is
4 supposed to login if computers have not been purchased for
5 the different schools?

6 A No. The 3,000 computers which I mentioned were not
7 bought. The 100,000 bid computers, the one that was halted
8 by the Courts wasn't bought. But I told you that there were
9 computers prior to that.

10 Q That didn't work with this system, I take you told
11 me.

12 A That's right. But there were even new computers in
13 the schools. But I didn't have an inventory that says "hey,
14 you have let's say 20 computers in this school and these ones
15 are Pentium II, capable of doing so and these were 286 and
16 these were 386." I knew that there were computers over
17 there. Some might work, some might not.

18 Q Did you know that in every school there was at
19 least one computer that worked that allowed a person to login
20 every day or however the way you wanted him to login?

21 A I had a feeling that it did.

22 Q Did you---

23 A But I don't have a fact.

24 Q You did not send somebody in---

25 A At that time---

1 Q You said "feeling"? That you had a feeling?

2 A I had a feeling because the computers had been
3 bought by other grants until that summer, so if they were
4 buying new computers the new computers are supposed to be
5 furnished with the latest operating system and when I arrived
6 at the Department of Education the latest operating system
7 was Windows 2000.

8 Q The system the Internet access required Windows
9 2000?

10 A If we want to login into the active directory they
11 would have to work with Windows 2000.

12 Q And if you don't have Windows 2000 can you access
13 the Internet on them?

14 A Yes.

15 Q How?

16 A Because you can access the Internet if the system
17 is open and you go all the way thru without any restrictions
18 but that includes that you can go to pornographic pages, you
19 can use the web for buy or selling drugs---

20 Q But the system was not open, right?

21 A No.

22 Q It was clean?

23 A It was clean.

24 Q So you have to have Windows 2000 to be able to use
25 the Internet system?

1 A Unless you use some sort of wizard that you can get
2 into the web.

3 Q Okay. When you arrived at the Department of
4 Education the second time in 2001 you knew that there were 2
5 Internet providers, right?

6 A Yes.

7 Q One was DRC and the other one was PRT.

8 A Um-jum.

9 Q Right. Whenever the Department of Education
10 perform these tests that you told me earlier, were they
11 separated in terms of who was the Internet provider?

12 A Yes, Sir.

13 Q It was, okay. Now, did you perform or did the
14 Department of Education perform some type of validation test
15 between October of 2001 and January of 2002 to find out if
16 the systems were in operation?

17 A Yes.

18 Q And that was just a sampling of schools, right?

19 A Yes.

20 Q It was just a sample of schools, right?

21 A Yes.

22 Q Right?

23 A First it started on the sample and I think it was
24 after October or maybe November that I just told the supplier
25 "please try to connect as much schools as you can."

1 Q But there would be records of which schools were
2 validated and which ones were not?

3 A I used to have some reports that I used to send to
4 the suppliers sometimes. I thought it was very important at
5 the end of every day. If not, at the end of the weekend. It
6 would say "hey people, these are the schools who are
7 validated" and they were grouped by school districts and even
8 by regions.

9 Q You are aware of the fact that each school was
10 validated and that a form of each school was completed and
11 filled in whenever DRC went to a school, installed the
12 equipment and cranked up the system, so to speak. Is that
13 right?

14 A Yes, Sir.

15 Q And that had been done before you arrived there?

16 A Yes, Sir. There were some last connections they
17 were doing while the first month I was there. But most of
18 the work was done long before I was there.

19 Q Did you at any time review those forms or the
20 people at the schools accepted the equipment had been turned
21 on and had been accepted as being validated and operational?

22 A Only myself might have access to the form and I
23 mean seen it in that bundle but didn't go into that detail.

24 Q Now, let me ask you a couple of questions here.
25 You indicated that by the time when you left in November of

1 2002 the Department of Education had ordered a little bit
2 over 100 labs?

3 A In the first year, yes.

4 Q That would have been during 2001 or 2002?

5 A 2001-2002. Remember we run like a fiscal year.

6 Q Okay.

7 A In that year of 2001-2002 school year, a little bit
8 over 100 labs were ordered and installed.

9 Q When you talk about that year, would that have been
10 during the 2002 part that was done?

11 A Let me see...

12 Q In other words, the year was from July---

13 A From July to June.

14 Q To June, okay. I am trying to get an idea of which
15 part of the school year or your fiscal year these computer
16 labs were ordered and obtained. Was it during the 6 months
17 in 2001 or the 6 months in 2002?

18 A I have the form where we have to check the records
19 that because of the procedures sounded logic to me that if I
20 start the procedures of bidding and all this, the computers
21 of the labs should be ordered sometime close to the end of
22 the first semester and the gross of the deployment of the
23 labs ordered in the first semester should be accomplished in
24 the second semester. That's by logic.

25 Q All right. The computer labs, this would be

1 wireless, right?

2 A No. It all depends in the schools that they were
3 assigned to. If the school had a wired infrastructure, they
4 are going to be using that infrastructure and it is going to
5 be wired.

6 If it were an unwired option, then they would use
7 the infrastructure of the wire because in the room the access
8 was through a pass code. The thing of wired or not wired is
9 in how the computers will reach the servers.

10 Q So the same computer labs could be used in Phase 1
11 or Phase 2 to a group of schools?

12 A And the ones that were module, they did the same.
13 They have to connect through a jack to a drop and then from
14 the cards give them the awareness.

15 Q Okay. Probably card awareness, but each card needs
16 to be connected to a plug.

17 A To a plug.

18 Q Why were those labs ordered? Was it because at
19 least you can move them from classroom to classroom and you
20 could avoid the problems that had been created by the fact
21 that the Department of Education had failed to obtain the
22 100,000 computers that they were going to get?

23 A They had some advantages. One is the mobility and
24 that way I don't have them in a specific room with computer
25 facilities. Any room can be a room with computer facilities

1 and all the thing is as I told you this morning, the
2 electricity power of concern then the consume of power is
3 much less in the module than in the fixed outlets.

4 MR. A.J. BENNAZAR: You mean the consumption of
5 power?

6 DEPONENT: Consumption of power.

7 BY MR. CAMILO SALAS:

8 Q So what was it that really was the reason to obtain
9 these computer labs? Was it because of the consumption of
10 electricity that was lower or because you could actually move
11 them from one classroom to another?

12 A I would tell you that half and half. Remember that
13 my main concern in technology is that technology is in terms
14 of learning in the classroom.

15 Q Right.

16 A So for me what is important is as the thing works
17 and for what.

18 Q Was it your idea to obtain these portable labs?

19 A I can't precise because I think I don't have a copy
20 right on that idea, but I pushed hard in there. When the
21 idea was brought to me I said "this might work" and I pushed
22 real hard on that and said "let's try some sort of validation
23 project." If it works, all right we can go on. If it
24 doesn't work, that's it.

25 Q Now these portable computer labs, they consist of

1 laptops, right?

2 A Laptops.

3 Q Once you obtained these portable computer labs,
4 they worked fine with the drop connections that DRC had built
5 into those schools, did they not?

6 A We had some problems with some connections and I
7 can't tell you that all connections were good nor all
8 connections were bad. We had good connections and bad
9 connections and if the connection was all right, we had no
10 major problems with neither that one nor the fixed labs. The
11 problem with big labs was the power problem.

12 Q All right, I understand that. I just want to be
13 clear that in terms of the T-1 lines that DRC had provided to
14 the schools you were able to use those T-1 lines---

15 A If the connections and the T-1 lines were in good
16 conditional and operations?

17 Q Yes.

18 A If there was any kind of a problem---

19 Q They were repaired, right?

20 A (NO ANSWER IS HEARD FOR THE RECORD)

21 Q Yes?

22 A Any kind of---

23 Q If there was any kind of problems, those problems
24 were fixed?

25 A Some. They tried to fix all of them.

1 Q Right.

2 A Some could be fixed, others didn't.

3 Q Are you aware of any instance where a portable
4 computer lab was brought to a school and that school was not
5 able to use it because the T-1 lines were not in operation?

6 A That information Adonay might have it. I don't
7 have it.

8 Q Okay. In other words, you are not aware of any
9 situation where for example, here we are at school, 30 days
10 with computers here and we cannot use them because the T-1
11 lines are not working for 30 days?

12 A I can't specify any specific occasion but my best
13 resemblance of that is there were schools that there were
14 problems in. I remember some schools saying "hey, we have
15 the labs and we still can't access the Internet." But the
16 details, I don't have it. The details should be or any
17 record, at Adonay's office.

18 Q And you don't know whether or not those problems
19 were related to the computer labs or to the lines themselves?

20 A No. Those problems were solved at that level.

21 Q Okay. You said that when you left there were about
22 400 labs that were ordered?

23 A They were in a bid. Something got wrong, as far as
24 I know. When this happened, I was out so I heard the news
25 through the newspaper. One part of the bid was awarded. I

1 think that was the module and the part that concerned fixed
2 labs. There was... How do you call it?

3 MR. A.J. BENNAZAR: "Impugnación, protesta?"

4 BY MR. CAMILO SALAS:

5 A (DEPONENT) Somebody protested and I think they
6 even had to go through another bid for that share of the labs
7 but I don't have that information.

8 Q But the portable labs were ordered?

9 A I don't know. Remember I was out and while I was
10 out, I mean I was out.

11 Q Was this ordered before you left or afterwards?

12 A No. When I left... When I retired was the request
13 for proposal.

14 Q Okay.

15 A And I think that I even went to the first meeting
16 where the potential proponents come and I think I was at that
17 meeting but during those days I left the position and I don't
18 know what else happened.

19 Q In any event, at that point when you were still
20 there and they sent a request for proposals, those 400 labs
21 were to be used by plugging them into the Internet access
22 lines that DRC had built into these schools.

23 A Who ever plugged them, that's the ones we were
24 going to be using.

25 Q Using, yes. Now, you mentioned to us earlier that

1 I think when you first arrived there you consulted with the
2 people at USAC?

3 A We had some instances in which I made some
4 consulting with them.

5 Q What was that about and why?

6 A Mostly it was in the part... First they were
7 requesting information concerning the 471 that was submitted
8 for that year.

9 Q What kind of information were they requesting?

10 A They wanted the list of the schools that were
11 participants that had a code of the Department of Education
12 and they wanted the list of the USAC E-Rate codes. So they
13 made a request for that information and I had the opportunity
14 to talk to them why was that happening and we had to make a
15 request for waiver in terms of the time they gave us because
16 we had to do it manually, we had to double check with the
17 schools and all this and the information that was in the
18 spreadsheet they want us to send.

19 At the time I started asking them about the
20 program's specific questions at the moment that I might have.

21 Q That was the extent of your consultations with USAC
22 at that time?

23 A At that time? Yes. Concerning the 470 and 471

24 Q Were there any consultations about anything else?

25 A Yes. After we received a letter from USAC in early

1 January of 2002 that they were making some request of
2 information, then I start making more consultations.

3 At the time, I had one consultant we hired to do
4 some tasks and one of the tasks that this consultant was
5 doing for us is being a liaison between our office and USAC.

6 Q And who was that?

7 A Daniel Carmona. Before that, that task was
8 performed by Maribel Cedeño.

9 Q So you hired Carmona to be a liaison with USAC?

10 A Among other things, he did that.

11 Q And this letter that you are referring to from USAC
12 was not Mr. McDonald's letter?

13 A Yes.

14 Q You remember Mr. McDonald's letter, right?

15 A More or less.

16 Q More or less?

17 A Yes.

18 Q Mr. McDonald's letter indicated that there had been
19 a---

20 MR. A.J. BENNAZAR: Excuse me, just for the clarity
21 of the record. You mean the December 5, 2001 letter from
22 USAC to the Secretary of Education signed by George McDonald?

23 MR. CAMILO SALAS: Yes.

24 BY MR. CAMILO SALAS:

25 Q Is this the letter that you received that brought

1 you to make more inquiries that you talked about earlier?

2 A If I can remember well, we had a call requesting
3 information about that letter which we hadn't received. I
4 don't remember the name of who called from USAC but then I
5 asked the guy what letter are you making reference to and
6 since I didn't had the letter I asked him to send me a copy
7 of that and we received a copy by fax.

8 Q Let's attach the copy of this letter to your
9 deposition as Exhibit Number 4.

10 (AT THIS MOMENT DEPOSITION EXHIBIT 4 IS MARKED)

11 Q So you got a telephone call from USAC to ask you
12 about the matters that are in this letter?

13 A About the follow up that they were giving to the
14 letter, but I didn't have the letter.

15 Q This letter had originally been written to Mr. Rey
16 Hernández, right?

17 A That's right.

18 Q So you had not received a copy of this letter?

19 A No.

20 Q Mr. Rey Hernández had not sent you a copy of the
21 letter?

22 A As far as I know, he didn't know about the letter
23 either.

24 Q So when you got this call from USAC you were cold?
25 You didn't know what they were talking about?

1 A You are correct.

2 Q And you told USAC "go ahead and fax me a copy of
3 that letter so that I know what you are talking about?"

4 A You are right.

5 Q Did they do that?

6 A They did.

7 Q Then when you got the letter, what did you do about
8 it?

9 A First it caught us with surprise and well, I read
10 the letter and discussed the letter with I think it was José
11 Santana and Arnaldo Ramos and we let it know to Dra. Collazo
12 so they can give the Secretary the information about the
13 whole thing that was going on.

14 We started to gather the information that they were
15 requesting. I had long before this arrived sent a
16 communication to Dra. Collazo, I think telling them I was
17 recommending to have a meeting. I remember I used "call to
18 the table USAC" to tell give them a statement of whatever is
19 going on with E-Rate and give them all the information we
20 have gathered since I was at the chair in early June until I
21 think that recommendation I gave it in late October. So all
22 the information we had until that moment I recommended call
23 the people from USAC and let's have a talk with them. Let's
24 show them what we have done, what we have found and what we
25 have in plans to do and let them have the whole information.

1 Q You made a recommendation in October?

2 A In October.

3 Q And you made that recommendation to whom?

4 A I think it was to Dra. Collazo.

5 Q And---

6 A But before I gave that recommendation, I think I
7 discussed it with José Santana and with Arnaldo Ramos.

8 Q Did they follow up on your recommendation? Did
9 they accept your recommendation?

10 A It was a bundle of recommendations among which that
11 was one of the recommendations. We concentrated at that time
12 on what I called "a recovery plan" and because I thought that
13 everybody loses if the project derails and it is in the
14 benefit of everybody, our children and our country if we can
15 recover the project.

16 So we concentrated in what I called a recovery plan
17 in which I discussed with representatives from DRC and PRT in
18 terms of "hey people, this is not working the way it should
19 be. The information I have tells me that this is not moving
20 the way it should be, so we have to make it work." Where
21 else I would go from giving all this information to USAC or
22 even recommend the cancellation of the contracts and stop the
23 project?

24 In between, there were all ranges of possibilities
25 but the first message is we need to recover. Remember I

1 would always be thinking first in terms of the children and
2 of course of the take orders. There were more or less
3 \$160,000,000.00 into that project to that moment.

4 Q Why did you make that recommendation?

5 A Why?

6 Q Yes.

7 A Because I was in charge. As an example I gave to
8 my staff says "I didn't pass the red light, I didn't hit the
9 old woman and I didn't run away but I am driving the car when
10 the police stops it." So whatever was done before, I was not
11 there, I didn't take a decision but I am in charge of making
12 the thing work no matter what happened before and I was very
13 committed with the project to work because I am very clear
14 that the possibilities that we have as a country, depends on
15 the next generation of Puerto Ricans.

16 The train of technology was on. Either we are in
17 or we are out. The train is not going to stop for us so I
18 didn't care how they made it, I didn't care how we got there,
19 I had to make things work. I tried to get all the facts I
20 could to try to get through technologically, a logical and an
21 educational solution to this.

22 At that time I thought the only way we can get out
23 my first choice is let's recover the project. The project is
24 recoverable. We can make it work. If we can make it work
25 and we go to USAC and show them what we are doing, I am sure

1 they are going to trust and they are going to liberate the
2 funds so we can move on.

3 Q But this is in October?

4 A In October.

5 Q You said "liberate the funds". But they had been
6 frozen at that time?

7 A At that time---

8 Q Is this 2001?

9 A Yes, 2001. But the funds were not released at that
10 time.

11 Q In October 2001 the funds were frozen?

12 A For that year 2001-2002 the funds were not
13 available which are not available yet.

14 Q Let me address it this way. The funds for the year
15 2001-2002, none of those funds had been available?

16 A 2001-2002 is the year number 4, isn't it? Yes,
17 funds for year number 4 are still on hold.

18 MR. JOHN F. NEVARES: 2001-2002 is year 4.

19 BY MR. CAMILO SALAS:

20 A (DEPONENT) Or at least they were on hold when I
21 left. I don't know if something new was going on but so far
22 when I left, they were on hold.

23 Q Year 2001-2002. When did you first learn that the
24 funds for the year 2001-2002 had been stopped?

25 MR. A.J. BENNAZAR: Excuse me. The witness has not

1 here testified that they were stopped. He just said they
2 were not available.

3 MR. CAMILO SALAS: Okay.

4 MR. A.J. BENNAZAR: Please, and this is very
5 important to all parties concerned.

6 MR. CAMILO SALAS: Right.

7 MR. A.J. BENNAZAR: He never said they were frozen
8 or stopped. He said they were not available.

9 MR. CAMILO SALAS: All right.

10 BY MR. CAMILO SALAS:

11 Q What happened to the E-Rate funds for the year
12 2001-2002?

13 A When I looked or asked every single week "are the
14 funds available?" "No, they are not."

15 Q And when you asked, who told you that?

16 A I asked Daniel Carmona and in the website of USAC
17 there is a page in where you can search which funds have been
18 authorized for disbursement and our name was not there so I
19 asked every single week at least "are the funds available?"
20 They said "you are not in the list." That means the funds
21 are not available yet.

22 Q To back up a little bit, were funds made available
23 for the 2000-2001, year 3?

24 A Yes, I think so.

25 Q Are you aware of whether or not the Department of

1 Education has paid PRT for all the share that the Department
2 of Education is supposed to pay for the year 2000-2001?

3 A 2000-2001? There were payments that were
4 authorized before I came into the position. I am not sure if
5 any other authorization was done after that. I think but I
6 am not sure, but I think that I certified infrastructure
7 with the evidence that the installation had been performed on
8 that. I think that I signed one or two of them. I am not
9 sure.

10 What I am sure of is that I had a concern with the
11 service because I started worrying, "hey Cruz, if you have no
12 schools connected, how come you are going to certify for
13 disbursement of an activity?" I wanted to clear that out.
14 It was a large amount of money and I wanted to be sure that I
15 wouldn't be committing a big mistake. My best resemblance of
16 that is that I authorized infrastructure but I didn't
17 authorize service until I had cleared up what we were going
18 to do with that.

19 Q Infrastructure means what?

20 A Servers, construction and how do you call, the
21 black box and whatever the things that the black box led to,
22 infrastructure.

23 Q Equipment?

24 A Equipment and connectivity, yes.

25 Q But you did not authorize payments for---

1 A For service. What I mean connectivity meaning
2 Internet. That is my best recollection. It is that.

3 Q What about the portions of the payments that were
4 to be made by USAC for that type of service? Was that
5 authorized by the Department of Education?

6 A I think that some payments were authorized before I
7 was in the position and my best recollection is that yes,
8 some more payments for services work were certified which is
9 the word they used, "certified."

10 I don't remember, I don't remember that any payment
11 from the share of the Department of Education was not. I am
12 not aware of whether that happened.

13 Q That any payments were made?

14 A By the Department of Education? No, I am not aware
15 of that.

16 Q That's for service?

17 A For service.

18 Q Are you aware that the Department of Education
19 certified to USAC so that they would pay their share for
20 service for the year 2000-2001?

21 A No, I can't remember that. I am not saying no, I
22 am not saying yes. You know, I don't have a fact on that and
23 I don't remember that.

24 Q Now the year 2001-2002, that would have started in
25 July of 2001 running through June of 2002, right?

1 A That is right.

2 Q And you came to work there in June of 2001,
3 correct?

4 A That is right.

5 Q Now in July of 2001, E-Rate funds were not
6 available?

7 A Yes. That is the year number 4.

8 Q What's that?

9 A Year number 4.

10 Q Year number 4?

11 A Yes, that's the way we called it.

12 Q And in August those funds were not available?

13 A Um-jum.

14 Q In September they were not available?

15 A Um-jum.

16 Q In October they were not available?

17 A Um-jum.

18 Q In November they were not available?

19 A No.

20 Q In December they were not available?

21 A Correct.

22 Q In January of 2002 they were not available?

23 A No, they were not.

24 Q During those months, you knew that DRC was
25 providing services to the Department of Education. Is that

1 right?

2 A Yes.

3 Q Now, DRC was providing services to the Department
4 of Education even though the funds were not available---

5 A That's correct.

6 Q From E-Rate. Is that right?

7 A That's right.

8 Q You never told DRC to stop the work until those
9 funds became available or anything like that?

10 A No.

11 Q DRC was allowed and indeed expected to do the work
12 that it continued to do during those months.

13 A Yes. The part of the job that was done, was done.

14 Q And who was going to pay DRC for each work if the
15 Department of Education did not obtain funds from E-Rate?

16 A The project was conducted in my terms.

17 Q The what?

18 A The project was conducted based on the trust that
19 the funds would be available.

20 Q So in other words---

21 A And the instructions I have is "run it."

22 Q In other words, continue on because we believe that
23 the funds will come from Washington, right?

24 A Um-jum.

25 Q Yes?

1 A Yes, and the only part that we were responsible for
2 were already consigned.

3 Q What do you mean by that?

4 MR. JOHN F. NEVARES: Consigned.

5 BY MR. CAMILO SALAS:

6 A (DEPONENT) Share. That the Department of
7 Education had consigned that the money was available to match
8 whichever service was provided and certified to be paid by
9 USAC. So in my terms, I have the money available for our
10 share. Let's just wait until we have the okay from USAC to
11 proceed. Keep on with the project.

12 Q Is that money for the Department of Education share
13 set aside?

14 A Yes.

15 Q It is still today?

16 A I don't know.

17 Q You had set aside a separate account or---

18 A Yes. We had to certified it to USAC.

19 Q That you had it set aside?

20 A Um-jum.

21 Q That would be certified to USAC at the beginning of
22 the year or---

23 A I was requested to do so by, I think, in October.

24 Q Of 2001?

25 A Of 2001.

1 Q So you put aside those funds?

2 A Yes. I am not certain today, but I do know that we
3 had to send a certification that the funds were available.

4 Q But the funds were actually available. It's not
5 like we just had a certification?

6 A No. There was a letter of certification that
7 commits the Secretary of Department of Education that the
8 funds are available.

9 Q Okay. I understand that making them available
10 means that they could come from the general fund or does that
11 mean that these funds were actually segregated?

12 A They made a request for the specific account number
13 in which the funds were deposited or assigned since the
14 Department of Education---

15 Q And when you left, those funds were still in that
16 account?

17 A As far as I know, yes.

18 Q Were those funds supposed to be kept in that
19 account until whatever matters are resolved with E-Rate?

20 A I don't know how the finances of the Department of
21 Education works, but for me it looks logic.

22 Q For you, you would expect that those funds are
23 still in the account where you put them, yes?

24 A Yes, but I am not a finance specialist.

25 Q Now, here we are then in October, you put the funds

1 aside and at the same time you felt that the project was not
2 working and that it could be recovered?

3 A At that time and I still think that the project is
4 recoverable.

5 Q Why was it that you felt that it was not working at
6 that time?

7 A There was a list of the findings that I thought at
8 that time that they were the major ones. That should be in
9 the report I made to Dra. Collazo or to the Secretary of
10 Education, Mr. Rey where at the time there was a problem with
11 the infrastructure both of the suppliers and the Department
12 of Education.

13 We needed to hire people to make sure that the job
14 is done the way it should be and the training that was
15 already being conducted and which we have evidence that we
16 were doing very good in that. When I say infrastructure I
17 also refer to the power.

18 Q Electrical power?

19 A Electrical power. I remember I made a request to
20 the suppliers and I remember I told them "hey people, I want
21 you to take one school. Make a prototype of what you think
22 needs to be done to have an example of what has to be done on
23 every single school in your towns. You are the specialists.
24 Let me know what do think you need to make both phases, Phase
25 1 and Phase 2 to make it work."

1 They acknowledged it and they decided they were
2 going to produce a prototype in a school they selected
3 themselves and to show us and we were going to check out
4 "okay, this work is what has to be done." That was by the
5 end of that semester and if I am not wrong, I think that by
6 the first days of December we should be able to go and check
7 what this prototype is and what suppliers were going to
8 produce.

9 Q When you say you requested a prototype to make sure
10 that Phase 1 and Phase 2 are working---

11 A There were 2 different structures.

12 Q Right. One was wired---

13 A One was wired and the other one wireless.

14 Q So you wanted 2 prototypes, one for each?

15 A One for each.

16 Q Now, Puerto Rico Telephone Company was dealing with
17 Phase 1, right? And DRC was dealing with Phase 2. Your
18 concerns were that the infrastructure of the suppliers at the
19 Department of Education was not there or was not working
20 properly. Now, the infrastructure of the Department of
21 Education you mean the electrical power?

22 A Electrical power.

23 Q And you felt that the infrastructure of the
24 suppliers was not working, right?

25 A Um-jum.

1 Q Specifically with respect to Phase 2, what did you
2 feel was wrong that DRC had supplied?

3 A I think to go to that detail I have to check on the
4 documents but I remember there was a report I got from Anoday
5 Ramírez and they should have the report on that probably.

6 We had the electrical power issue, we had the
7 problem of burned out servers, we had the problem of the UPS
8 and we had the problem of the access points that were located
9 in places where there was no power at all and the power was
10 an out source.

11 The power didn't move through the wire so we had to
12 go and have the power from a receptacle and there were no
13 receptacles at all where the antennas were located at. All
14 that had to be relocated.

15 MR. A.J. BENNAZAR: Electrical outlets?

16 DEPONENT: Electrical outlets.

17 BY MR. CAMILO SALAS:

18 A (DEPONENT) Also, what we call the black box, which
19 is the steel case where all the components are and receive
20 the T-line had to be located in a place that makes logic to
21 the project in the schools.

22 Also, there was a major fault in the cases of year
23 1, Phase 1, that is that the cases were not ventilated and
24 this might work in Greenland, but not here. With the
25 temperature we have over here and the heat we have, these

1 would pop-out because of the heat. That was another major
2 reason we were dealing with at that time.

3 There were things that had to be performed in a
4 sense that I always assumed that PRT and DRC had the
5 knowledge and the expertise because that is why they were
6 hired.

7 I made a request to them "hey, show me how it
8 should be. Let's have a physical model and from that on
9 let's check what has to be done in every single place so we
10 can make it work out because I didn't want to be going on
11 connecting schools in the morning and hoping that it worked
12 in the afternoon."

13 They were the resources and I was having a smell
14 that something wasn't coming from USAC because at that time
15 they were requesting so much information on that and it made
16 me feel like something is going on because they were
17 requesting too much information.

18 Q So you wrote a report in October of 2001?

19 A Um-jum.

20 Q And you said let's go and talk to USAC about it and
21 get it out on the table about what needs to be done?

22 A Um-jum.

23 Q Now during this time, all the way from July through
24 October DRC was providing T-1 lines, right?

25 A Um-jum.

1 Q And it was providing the Internet access?

2 A Exclusively?

3 Q Yes.

4 A Operationally? Not all the time and not in all the
5 schools. That is why I was checking out in this kind of a
6 report to make sure that I am accountable and that I have
7 evidence to show anybody that when someone asks me "hey Cruz,
8 from your point of view, from your position, from your
9 responsibility, do you have evidence of what you are
10 certifying? I said yes, I have this."

11 I have worked it as a project manager before the
12 evidence I had with the best of my ability and I can stand
13 for that.

14 Q The servers and all the equipment that you
15 described earlier and the location of the schools and all
16 those things, those would be necessary to distribute the
17 signals within the school to the various computers in the
18 schools, right?

19 A Yes.

20 Q But, from the plug on the wall the Internet access
21 is there.

22 A It's supposed to---

23 Q Right.

24 A But I didn't know---

25 Q You didn't know?